

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,024

IN THE MATTER OF:

Served June 4, 2009

Application of STREAM-LINE LIMOUSINE)
SERVICE INCORPORATED for Voluntary)
Termination of Certificate No. 1386)

Case No. AP-2009-061

STREAM-LINE LIMOUSINE SERVICE)
INCORPORATED, Suspension and)
Investigation of Revocation of)
Certificate No. 1386)

Case No. MP-2009-047

Certificate No. 1386 was automatically suspended on March 21, 2009, pursuant to Regulation No. 58-12, for the willful failure of Stream-Line Limousine Service Incorporated, (Stream-Line or respondent), to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance, as noted in Order No. 11,898, served March 23, 2009.

The order also noted that respondent owed a \$50 late insurance fee pursuant to Regulation No. 67-03(c); an annual report for 2009 pursuant to Regulation No. 60-01; a \$150 annual fee for 2009 pursuant to Regulation No. 67-02; and for failing to file the annual report and pay the annual fee on or before February 2, 2009, \$200 in late fees pursuant to Regulation No. 67-03(a), (b).

Order No. 11,898 gave Stream-Line thirty days to file the necessary WMATC Insurance Endorsement(s), submit a 2009 annual report, and pay the sum of \$400, or show cause why Certificate No. 1386 should not be revoked pursuant to Article XI, Section 10(c), of the Compact. Instead of complying with the order, Stream-Line filed an application on May 4, 2009, for voluntary termination of Certificate No. 1386.

The Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder. The Commission will not approve such an application, however, if the carrier is not in good standing.¹ Stream-Line is not in good standing for failing to file its annual report and pay all outstanding fees. Stream-Line requests that the Commission waive "all outstanding fees". Stream-Line has not made a sufficient showing for obtaining such a waiver.

¹ In re Easy Trailing Transp., LLC, No. AP-08-019, Order No. 11,205 (Mar. 6, 2008); In re Avery Transp., LLC, No. AP-07-008, Order No. 10,319 (Mar. 9, 2007); In re Coach One, Inc., No. AP-07-018, Order No. 10,276 (Feb. 8, 2007).

The Commission may waive its fees "upon the filing of a motion showing good cause."² Stream-Line's proffered ground for waiver is the allegation that Stream-Line "is no longer a financially viable business as of the end of 2008." This conclusory statement from Stream-Line's attorney is not supported by an affidavit from Stream-Line as required by Commission Rule No. 4 and is not supported by any other evidence of the underlying facts from which such a determination may be drawn. In addition, the statement does not rule out the possibility that Stream-Line continued operating on and after January 1, 2009, and only later determined that such operations were not "financially viable".

In any case, that Stream-Line may have discontinued operating in 2008 does not constitute good cause for waiving fees under Regulation No. 67. The annual fee and report requirements apply to each carrier holding a certificate of authority on the first day of the calendar year - not just to those who hold authority and are operating.³ The late fees under Regulation No. 67-03 attach immediately upon the triggering event because: "Carriers that file late or pay late place more demands on Commission resources than those who file and pay on time."⁴ Simply discontinuing operations does not change that.

Stream-Line had ample opportunity to avoid these fees. Upon ceasing operations in December 2008, if that is what happened, Stream-Line could have applied to terminate its certificate of authority at that time. Neither the 2009 annual report nor the 2009 annual fee would have been due.⁵ Instead, Stream-Line chose to retain its authority to continue transporting passengers for-hire under Certificate No. 1386.

Likewise, after failing to request voluntary termination before the end of 2008, had Stream-Line tendered its 2009 annual fee and report on or before February 2, no late fees would be due for missing that deadline. Instead, Stream-Line chose to shirk its responsibilities and later ignore the Commission's correspondence in January and February reminding Stream-Line of its duties under Regulation Nos. 60 and 67. Filing an annual report would have cost nothing but the price of postage.

At the very least, Stream-Line could have requested voluntary termination before its WMATC Insurance Endorsement terminated on March 21, thus avoiding the \$50 late insurance fee.

² See *In re David Timothy Robinson, t/a DR&W Transp. Servs.*, No. MP-09-010, Order No. 11,946 (Apr. 23, 2009) (citing Commission Rule No. 29); *In re Coach One, Inc.*, No. MP-07-097, Order No. 10,492 (May 17, 2007) (same).

³ *In re Addis Transp., Inc.*, No. MP-09-067, Order No. 11,970 (May 8, 2009).

⁴ *In re Rulemaking to Amend Rules of Practice and Procedure and Regulations, Regulation No. 60, Reports, and Regulation No. 67, Fees*, No. MP-05-169, Order No. 9088 at 3 (Nov. 2, 2005).

⁵ See *In re Nate's Transp., LLC*, No. AP-08-188, Order No. 11,777 (Dec. 30, 2008) (approving voluntary termination application same day filed).

Waiving fees under these circumstances would only encourage other carriers to engage in the same dilatory behavior.

Finally, even were we to waive all fees, Stream-Line would still owe its 2009 annual report and thus would still not be in good standing.

Because Stream-Line is not in good standing, we shall deny the application for voluntary termination.⁶ Because Stream-Line has failed to file the necessary insurance endorsement(s), submit a 2009 annual report, and pay all outstanding fees, Certificate No. 1386 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for the willful failure of Stream-Line to comply with Order No. 11,898 and Regulation Nos. 58, 60, and 67.⁷

THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-09-061 and MP-09-047 are hereby consolidated pursuant to Commission Rule No. 20-02.

2. That the application for voluntary termination of Certificate No. 1386 is hereby denied.

3. That Certificate of Authority No. 1386 is hereby revoked.

4. That respondent's 2009 annual report, \$150 2009 annual fee, and \$250 in late fees shall remain due.

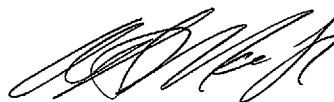
5. That within 30 days from the date of this order respondent shall:

a. remove from its vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;

b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and

c. surrender Certificate No. 1386 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director

⁶ See *In re Interstate Transit Corp.*, No. AP-08-156, Order No. 11,681 (Nov. 12, 2008) (same); Order No. 11,205 (same); Order No. 10,492 (same); Order No. 10,276 (same).

⁷ See Order No. 11,681 (same).